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HARRISBURG, PA

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MARY E. DIANDREA, CLERK  
For [Signature]  
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFERY D. ALBRIGHT, NORMAN T. :  
BOIRE, GARY M. DEITZ, WILLIAM H. :  
ERDMAN, MICHAEL W. FRITZ, :  
A. RONALD FROMBAUGH, RALPH A. :  
HARRIS, ALLEN W. LANDIS, LOWELL :  
McGUIRE, WALTER R. MINICH, :  
RAYMOND C. NEVINS, STANLEY L. :  
NYE, VINCENT RAMIREZ, JR., :  
KEITH E. SGRIGNOLI, RAY G. :  
SYNDER, JR., and LAWRENCE :  
WELKER, :

Plaintiffs, :

vs. :

DANIEL VIRTUE, Business Agent of the :  
International Brotherhood of Teamsters; :  
INTERNATIONAL BROTHERHOOD OF :  
TEAMSTERS; LOCAL 776, :  
INTERNATIONAL BROTHERHOOD OF :  
TEAMSTERS; and ABF FREIGHT :  
SYSTEM, INCORPORATED, :

Defendants. :

No. 1:CV-00-0878

Judge Rambo

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, the Defendants, Daniel Virtue, the International Brotherhood of Teamsters, and the International Brotherhood of Teamsters Local Union No. 776, respectfully move for Summary Judgment in Defendants favor in that there are no genuine issues as to any material fact and, as such, Defendants are entitled to a judgment as a matter of law, as demonstrated by the following:

1. The Answer filed by Defendants;
2. The Complaint filed by Plaintiffs;
3. Defendants' Statement of Undisputed Material Facts;
4. Defendant Daniel Virtue's Affidavit; and
5. The reasons set forth in the Defendants' Brief in Support of their Motion for Summary Judgment.

Defendants accordingly request the Court to enter an Order:

- (a) Granting Defendants' Motion for Summary Judgment in its entirety; and
- (b) Awarding costs and counsel fees to the Defendants and any other relief the Court deems appropriate.

Respectfully Submitted,

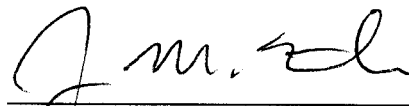
**IRA H. WEINSTOCK, P.C.**

800 North Second Street

Harrisburg, PA 17102

Phone: 717-238-1657

By:



JASON M. WEINSTOCK  
Attorney I.D. No. 69272

By:

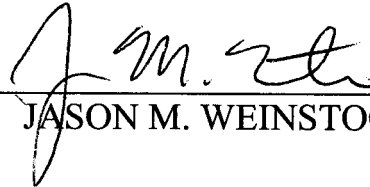


MAGGIE E. COLWELL  
Attorney I.D. No. 88632

**CERTIFICATE OF NON-CONCURRENCE AND CONCURRENCE**

I, Jason M. Weinstock, Esquire, certify that I spoke with Robyn Weiss, Esquire of MORGAN, LEWIS & BOCKIUS, LLP, attorney for Defendant ABF, and she does not object to the attached Motion for Summary Judgment.

I, Jason M. Weinstock, Esquire, certify that I spoke with Plaintiffs' attorney, Robert S. Mirin, Esquire of AHMAD & MIRIN and that Mr. Mirin does not concur in the attached Motion for Summary Judgment.

A handwritten signature in black ink, appearing to read "J. M. Weinstock", is written over a horizontal line.

JASON M. WEINSTOCK

**CERTIFICATE OF SERVICE**

I, Jason M. Weinstock, Esquire, hereby certify that upon the date stated below, I served the attached Defendants' Motion for Summary Judgment upon the persons named below, at the stated addresses, by first class postage paid United States mail.

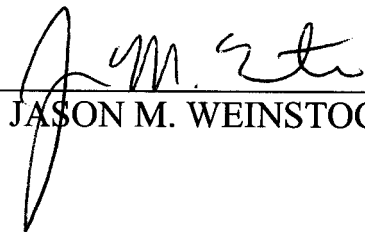
Robert S. Mirin, Esquire  
**AHMAD & MIRIN**  
8150 Derry Street, Suite A  
Harrisburg, PA 17111

James A. McCall, Esquire  
International Brotherhood of Teamsters  
25 Louisiana Avenue, N.W.  
Washington, D.C. 20001

Robyn Weiss, Esquire  
**MORGAN, LEWIS & BOCKIUS, L.L.P.**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004

Date: 11/22/02

By:

  
JASON M. WEINSTOCK